

Memo

To: Agency IT Contacts and Agency Financial Officers
From: Steven Schafer, IT Administrator for Financial Solutions
DAS Information Technology Organizations
Date: November 3, 2005
Subject: Settlement of Class Action Lawsuit Against Microsoft

(Arthur v. Microsoft Corp., No. CI 01-126 case, District Court of Dodge County, Nebraska)

On April 28, 2005, Microsoft announced a settlement of a class action lawsuit alleging that Microsoft violated antitrust and unfair competition laws. The settlement applies to certain software purchased between February 28, 1997, and December 31, 2002. The settlement provides for vouchers that can be redeemed for payments of from \$5.00 to \$12.00 for each license of eligible software. The deadline for applying for vouchers is January 16, 2006.

Anyone who purchased software covered by the Settlement Agreement is eligible for the following refunds:

- \$12 for each license of Windows 95, Windows 98, Windows 98 Second Edition and Windows Millennium Edition
- \$5 for each license of Office, Word, and Excel
- \$5 for each license of MS-DOS, Windows versions 1.0 to 3.2, Windows for Workgroups, Windows NT Workstation and Windows 2000 Professional.

There are still some unanswered questions regarding the settlement and the process of applying for vouchers and rebates. In particular, although the parties have settled the case, and the Court has conditionally approved the Settlement Agreement, final approval of the Settlement will not occur until after a hearing on November 17, 2005. In addition, we have verbal instructions from the Microsoft Settlement Claim Administration Office for Nebraska regarding what constitutes proof of purchase of Microsoft licenses for OEM operating system claims, but we are still waiting written confirmation. Finally, we are waiting for promised assistance from Microsoft in obtaining some of the historical information that will assist us in documenting our ownership of Microsoft licenses.

Despite these uncertainties, it is imperative to begin documenting ownership of Microsoft Software in order to complete the claims process by January 16, 2006. Our goal is to maximize the value of refunds from Microsoft. To help agencies achieve this goal, we are offering to assist agencies in filing for vouchers and obtaining rebates. This assistance will include:

- Providing clear instructions for providing documentation;
- Providing agencies a credit against their Division of Communications (DOC) billings for the value of all vouchers received on their behalf, and
- Redeeming all vouchers and using them for past or future purchases by IMServices or DOC.

To participate, agencies must provide the following information to Tammy Sherrill by December 1, 2005. OEM Software refers to the operating system and Microsoft applications that came bundled with the purchase of the PC. Volume License Purchases are purchases of Microsoft software through a third party, such as GE Capital or ASAP Software, under the state's contract.

1. For OEM Software Purchases, provide one of the following:
 - a. Vendor invoice with hardware and software version listed.
 - b. Vendor packing slip with hardware and software version listed.
 - c. For OEM purchases where the invoice / packing slip does not list the software version, submit any documentation on the purchase that you may have. We will do our best to obtain a credit on these purchases, but this is outside of our control.
 - d. Product Key Code along with the date the hardware was purchased.
Product Key Codes can be found in the following places:
 - i. Computers purchased after June 1998 – Located on the Certificate of Authenticity attached to the chassis.
 - ii. Certificate of Authenticity printed on the product manual.
 - iii. On the CD Case that came with the pre-loaded software.
 - iv. Within the application by clicking “Help” and then selecting “About Microsoft (Application Name)”.
2. For Volume Licensing Purchases, provide the following information, if it is available. If you do not have information on volume license purchases, please give us an estimate of the number and type of licenses (i.e., Microsoft Office, Microsoft Windows 2000, etc.) of PCs purchased and the approximate date of each purchase. We are working with Microsoft to obtain past Select Agreement enrollment numbers, which will greatly facilitate access to this information from the Microsoft Volume License Service (MVLS).
 - a. A license confirmation number, with the date purchased;
 - b. Select Agreement enrollment forms; or
 - c. Printed records from MVLS.
3. Please indicate the DOC Job Code / Billing Number that should be used for issuing a credit for the value of any vouchers.

Please separate your documentation into OEM Software Purchases and Volume License Purchases, and organize the information by date. Send documentation to DAS IT Organizations, IMServices Division, 501 South 14th Street, P.O. Box 94045, Lincoln, NE 68509, Attention: Tammy Sherrill.

Further information about the Microsoft Settlement Agreement, including examples of the documentation that is needed, is available on our website at: http://das.ne.gov/its/it_fin_serv/procurement/ms_contracts.html. (Note this web site is still under development, so many links on pages other than this one are not operational.)

Please contact either Steve Schafer (402.471.4385) or Tammy Sherrill (402.471.0866), if you have any questions.